

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)
LISA MARIE ROYAL)
Last four digits of social security #: 9596) CASE NO.: 16-05896
) CHAPTER: 7
) MOTION TO AVOID JUDICIAL LIEN (11U.S.C. §522(F)
) (1)(A))¹
Debtor.)

TO THE TRUSTEE (if one is appointed) AND JUDGMENT LIEN CREDITOR LISTED BELOW:

Name of creditor and description of property securing lien	Estimated judicial lien	Total of all senior/unavoidable liens	Applicable Exemption and Code Section	Value of the debtor's interest in property	Judicial lien not avoided	Judicial lien avoided ²
James D. Kiser, Jr. (entered 6/9/15) - real property located at 9518 South Cardinal Drive, Ladson, SC	\$2,305	\$60,150	\$19,100 - S.C. Code Ann. § 15-41-30(A)(1) - Debtor's ex-husband lives in this property and, pursuant to the divorce decree, their 2 children live in this property every other week	\$0	\$0	\$2,305

The Debtor hereby moves, in accordance with 11 U.S.C. §522(f)(1)(A), to avoid the judicial lien held by the creditor named above in the amount listed above on the grounds that the judicial lien impairs the exemptions to which the debtor would otherwise be entitled under 11 U.S.C. § 522(b) and Chapter 41 of Title 15, Code of Laws of South Carolina, 1976 (as amended). The undersigned certifies the following:

(a) The judicial lien referenced above represents a judgment which has been recorded in a county in which the Debtor own real estate or in which there is a levy/attachment on personal property; and

(b) The property on which the judicial lien is sought to be avoided is owned by the Debtor and the Debtor is entitled to an exemption therein.

Date: January 26, 2017

/s/ Ann U. Bell

¹This form is for use only chapter 7, chapter 11 and chapter 12 cases where the property subject to the lien is not co-owned as contemplated in *In re Ware*, 274 B.R. 206 (Bankr. D.S.C. 2001).

²The judicial lien is avoided to the extent that the sum of the judicial lien plus the total of all senior/unavoidable liens plus the amount of the exemption that the debtor could claim exceeds the value of the debtor's interest in property.

Ann U. Bell
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CERTIFICATE OF SERVICE

The undersigned certifies that the Motion, Notice, and Proposed Order have been properly served on Creditor James D. Kiser, Jr.; 3001 Beauregard Court; Summerville, SC 29485 and on the Trustee, Michelle Vieira, by electronic service through CM/ECF.

/s/ Lillian LaPorte
Office Personnel

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE:)	
LISA MARIE ROYAL)	CASE NO.: 16-05896
Last four digits of social security #: 9596)	CHAPTER: 7
)	NOTICE OF MOTION TO AVOID JUDICIAL
)	LIEN (11 U.S.C. § 522(F)(1)(A)) AND OPPORTUNITY
<u>Debtor.</u>)	FOR HEARING

TAKE NOTICE that Debtor filed a Motion to Avoid Judicial Lien on January 26, 2017.

A copy of the motion and proposed order accompanies this notice.

TAKE FURTHER NOTICE that any response, return, and/or objection to this motion should be filed with the Court no later than **twenty-eight (28) days** from service of motion and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this motion, except at the direction of the judge, unless a response, return, and/or objection is timely filed and served, in which case the Court will conduct a hearing on **March 21, 2017 at 9:00 a.m., at 145 King Street, Room 225, Charleston, SC 29401**. No further notice of this hearing will be given.

January 26, 2017

/s/ Ann U. Bell
Ann U. Bell
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